

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DANIEL PIELER JR.,

11 Plaintiff,

12 v.

13 CAROLYN W COLVIN,

14 Defendant.

CASE NO. C14-170-MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION


15
16 This matter comes before the Court on the Report and Recommendation (“RR”) of the
17 Honorable Magistrate Judge Brian A. Tsuchida. (Dkt. No. 25.) Having reviewed the RR,
18 objections, response and all related papers, the Court **ADOPTS** the RR; **AFFIRMS** the decision
19 of the Commissioner, and **DISMISSES** this case with prejudice.

20 In this appeal from the Social Security Administration’s denial of Daniel Pieler’s
21 application for disability benefits, the RR recommends affirming the Commissioner. Plaintiff
22 Pieler objects on the grounds the evidence considered and incorporated by the appeals council—
23 a GAF score of 50 for the previous year and a suicidal gesture event leading up to that
24 assessment—deprived the ALJ’s decision of substantial evidentiary support. (Dkt. No. 27 at 4.)

1 As the RR correctly noted, the Court must assess whether the evidence as a whole supports the
2 Commissioner's decision. (Dkt. No. 25 at 3, citing Brewes v. Commissioner of Social Sec.
3 Admin., 682 F.3d 1157, 1163 (9th Cir. 2012.)) In this case, the GAF scores offered by Pieler, are
4 not dispositive of disability, as noted by Judge Tschudida. Dr. Lukins only estimated (in his own
5 words) that the GAF score for the last year was 50. Tr. 581. It did not "establish," as the
6 objections argue, a GAF score of 50. (Dkt. No. 27.) Nonetheless, the RR placed the new
7 evidence within the entire record and correctly found the Commissioner's decision still
8 supported by substantial evidence. (Dkt. No. 25 at 7-8.)

9 Therefore, the Court **ADOPTS** the Report and Recommendation; **AFFIRMS** the
10 decision of the Commissioner and **DISMISSES** this case with prejudice. The Clerk is directed
11 to send copies of this Order to the parties and to Judge Brian A. Tsuchida.

12 Dated this 19th day of September, 2014.

13 
14 Marsha J. Pechman
15 United States District Judge
16
17
18
19
20
21
22
23
24